

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

FILED-CLERK  
U.S. DISTRICT COURT  
2011 JUN 13 PM 4:04  
TEXAS-EASTERN

BY \_\_\_\_\_

**David E Mack**  
**Plaintiff**

**vs**

**MICHAEL J. SCOTT, P.C.**  
**ADVANTAGE ASSETS II, INC**  
**Michael J. Scott, SBN: 24000876**  
**Jessica Eckstein, SBN: 24043624**  
**Leonard Pruzansky**  
**Timothy Feldman**  
**John Doe(s) 1 thru 10**  
**Defendants**

Case No. 4:11cv349

Judge Schell

**Trial by Jury Demanded**

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**ORIGINAL COMPLAINT FOR VIOLATION  
OF THE FDCPA**

**JURISDICTION**

1. This court has jurisdiction under 15 U.S.C. § 1692k(d), 28 U.S.C § 1331.

**PARTIES**

2. The Plaintiff in this lawsuit is David E Mack, a natural person, who resides in Collin County, Texas.
3. The Defendants in this lawsuit are as follows:

- a. ADVANTAGE ASSETS II, INC. (hereinafter ADVANTAGE) is a junk debt buyer and debt collection corporation based in Houston, Texas.
- b. MICHAEL J. SCOTT P.C. (hereinafter MJSPC) is a Law Firm located in Carrollton, Texas whose primary business is debt collection and litigation.
- c. Michael J. Scott SBN: 24000876 is an attorney and principal of MJSPC
- d. Jessica Eckstein SBN: 24043624 is an attorney employed by MJSPC.
- e. Leonard Pruzansky is CEO/CHAIRMAN of ADVANTAGE ASSETS II, INC.
- f. Timothy Feldman is President of ADVANTAGE ASSETS II, INC.

### **VENUE**

- 4. The occurrences which give rise to this action occurred in Collin County, Texas and Plaintiff resides in Collin County.
- 5. Venue is proper in the Eastern District of Texas Sherman Division.

### **GENERAL ALLEGATIONS**

- 6. Defendant MJSPC sent a collection notice to Plaintiff in or about August of 2009 on behalf of ADVANTAGE for a debt alleged to be owed to ADVANTAGE, account #6035320262994229.
- 7. Plaintiff sent a dispute and cease and desist from collection demand for validation of the alleged debt to MJSPC in a letter dated September 14, 2009

sent registered mail # RE360602859US which was received by MJSPC on September 21, 2009 signed for by B. Shelly.

8. Plaintiff also sent the same dispute dated September 14, 2009 directly to ADVANTAGE by registered mail #RE360602831US which was received and signed for on September 23, 2009 on USPS Form 3811.
9. Plaintiff did not receive any response for over a year to either demand to validate the alleged debt sent to MJSPC AND ADVANTAGE.
10. On December 24, 2010, *15 months after making demand for validation of the alleged debt to ADVANTAGE and MJSPC*, Plaintiff received a letter from MJSPC dated December 20, 2010 with what appeared to be a “**robo-signed**” document with the title “AFFIDAVIT OF ACCOUNT” enclosed.
11. The document entitled “AFFIDAVIT OF ACCOUNT” was allegedly signed by Leonard Pruzansky, a principal of ADVANTAGE, and made some vague statements as to the alleged source and amount of the debt alleged to be owed to ADVANTAGE with no other supporting documentation of any type.

### **COUNT I**

**VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT  
(FDCPA) 15 U.S.C. § 1692e(2)(A) BY DEFENDANTS ADVANTAGE,  
MJSPC, Michael J. Scott, Jessica Eckstein, Leonard Pruzansky and  
Timothy Feldman**

12. Paragraphs 1 through 11 are realleged as though fully set forth herein.

13. Plaintiff is a consumer within the meaning of the FDCPA § 1692a(3).

14. ADVANTAGE, MJSPC, Michael J. Scott, Jessica Eckstein, Leonard

Pruzansky and Timothy Feldman are debt collectors within the meaning of the FDCPA § 1692a(6).

15. Plaintiff, as a consumer, received a letter from MJSPC dated December 20, 2010 stating they had done an investigation and “were resuming collection activity” on the debt alleged to be owed to ADVANTAGE by Plaintiff and enclosed was the aforementioned “AFFIDAVIT OF ACCOUNT”.

16. The letter received by Plaintiff from MJSPC stated in part “*PLEASE BE ADVISED THAT THE PURPOSE OF THIS LETTER IS TO COLLECT A DEBT, AND ANY INFORMATION OBTAINED FROM YOU WILL BE USED FOR THAT PURPOSE*” and was signed “Michael J. Scott/Jessica Eckstein”.

17. In the “AFFIDAVIT OF ACCOUNT” document that was enclosed with the collection letter it was stated, in part in paragraph 2, “*issued by Citibank (South Dakota) N.A. to David Mack (hereinafter, the “Defendant(s)”*”.

18. At the time of receipt of the collection letter and the attached “AFFIDAVIT OF ACCOUNT” which referred to David Mack as a **DEFENDANT**, to the best of Plaintiff’s knowledge and belief there was no litigation in progress where the Plaintiff was a **DEFENDANT** in any action by any party.

19. Defendants, as debt collectors, violated U.S.C. Title 15 § 1692e(2)(A) by sending a collection notice to Plaintiff with documents referring to the Plaintiff as a **DEFENDANT** which he was not at that time or any time thereafter to Plaintiff's knowledge.
20. Defendant's actions in sending a threatening collection letter to Plaintiff on December 20, 2010 and referring to him as a **DEFENDANT** when he was not, blatantly misrepresented the legal status of the alleged debt in violation of the FDCPA, 15 U.S.C. § 1692e(2)(A).

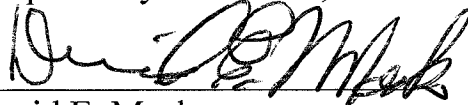
Wherefore, Plaintiff demands judgment against each and every Defendant for statutory damages of \$1000.00 pursuant to 15 U.S.C. § 1692e(2)(A), attorney's fees, and costs.

**DEMAND FOR TRIAL BY JURY**

Plaintiff hereby demands a trial by jury of all issues so triable as a matter of law.

Dated: June 13, 2011

Respectfully Submitted,



David E. Mack  
7720 McCallum Blvd. #2099  
Dallas, Texas 75252  
972-735-9642

Service to:

ADVANTAGE ASSETS II, INC.  
7322 Southwest Freeway Suite 1600  
Houston, Texas 77074

Leonary Pruzansky  
7322 Southwest Freeway Suite 1600  
Houston, Texas 77074

MICHAEL J. SCOTT, P.C.  
1120 Metrocrest Drive  
Carrollton, Texas 75006

Timothy Feldman  
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Michael J. Scott  
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